



Response to office action for patent application #09.752.365, Weinstein et al.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2600

Re: Office action dated 1/2/04 regarding U.S. patent application number 09/752,365

Dear Sirs:

Pursuant to phone calls to the patent assistance center for information on the required form of this response, we are submitting this letter and attachments (along with a check for \$210 for extension for response within second month) in response to the office action dated 1/2/2004 (copy attached) regarding U.S. patent application number 09/752,365.

Per the instructions from the Inventor's Assistance Center, we have attached an edited copy of the patent application claims with deleted words and claims crossed out and additions underlined (standard Microsoft Word "track changes" format).

Per instructions of the Inventor's Assistance Center, we also include the following summary of the claims as they currently stand:

Claims 1, 7, 15, 51, 63 are amended, Claim 76 is new, and all other claims are as they were previously.

In item 1, the examiner points out that claims 15 and 63 depend from themselves. This error has been corrected.

In item 2, the examiner rejects claims 1, 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 48, 51, 53-54, 59-61, 63, 66-68, and 71-75 as being unpatentable over Glenn (5,907,677) in view of DuVal (5,818,836). We have amended claim 1 by limiting it further to include means of automatically informing callers who call outside of allowed call times what their call time limitations are for the person they are calling. Although (as the examiner points out) Haste (6,665,389) does teach allowing a user to specify at what times he or she will receive calls, the system spoken of by Haste is call forwarding system which in no way communicates dialing limitations back to the caller. In addition, Haste does not teach the ability to set such call reception times independently for multiple callers, and this feature again renders the present invention unobvious over the prior art and provides additional utility. Since claims 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, and 48 depend from claim 1, we submit that these claims are all now patentable.

We have further limited claim 51 by adding the limitation that the method includes the step of verifying that a specific caller is allowed to call at a specific time. This mirrors the limitation added to apparatus claim 1. We believe this limitation distinguishes over the prior art in an un-obvious way which provides significant added utility over the prior art. Since claims 53-54, 59-61, 63, 66-68, and 72-75 depend from claim 51, we submit that these claims are now patentable.

The patents referred to by the examiner do not seem to teach the making of cost-minimized international telephone calls at all, so we do not see anything in the prior art the examiner has listed that would render claim 71 unpatentable, and we believe that claim 71 is patentable as-is.

In item 3, the examiner rejects claims 8, 46-47, and 49-50 as being unpatentable over Glenn in view of DuVal, and further in view of Haste and further in view of Lauffer (6,549,889). We do not believe that these references contain anything suggesting that they all be combined with one another. We have, however, as stated above further limited claim 1, so we now believe claims 8 and 46-47 (which depend on claim 1) are now patentable.

Regarding claim 49, nowhere does in patent 6,549,889 does Lauffer teach auctioning a professional service. But Lauffer's assignee Keen.com appears to have been granted a patent on the very invention of our claim 49 (US Patent 6,519,570), but this patent was applied for AFTER our priority date. We therefore copy claim 1 from U.S. patent 6,519,570 as our newly added claim 75, to create an interference, since we believe that we are the original and first inventors of this invention.

Regarding claim 50, nowhere does Lauffer speak of fund-raising using the present invention. We therefore submit that claim 50 is patentable as is.

Sincerely



Lee Weinstein

Certificate of express mailing: I certify that this document including the attached amended claims, check for \$210, and copy of the related office action were deposited with the US Postal Service as Express Mail, post office to addressee, June 2, 2004, express mail label number ED065355250US.



Lee Weinstein